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November 8, 2018

**VIA E-MAIL AND**  
**FIRST-CLASS MAIL**

Scott H. Zwillinger  
Shaun T. Kuter  
Paul J. Vaporean  
Goldman & Zwillinger PLLC  
17851 N. 85<sup>th</sup> Street, Suite 175  
Scottsdale, AZ 85255

**Re: Robert Cutler, personal representative of David Cutler v.  
Rural/Metro Fire Dept. and Grant Reed, et al.  
*Pima County Superior Court Case No. C20182621***

Dear Counsel:

In response to a July 16, 2018 article in the Arizona Daily Star, effectively recycling the allegations in Plaintiff's Complaint, the Arizona Department of Health Services ("DHS"), Bureau of Emergency Medical Services and Trauma System, opened an investigation into Rural/Metro Fire Paramedic Grant Reed. After an independent review, DHS's Medical Director determined the allegations against Mr. Reed were unsubstantiated and the investigation was closed. A copy of that determination letter is attached for your review. The determination by the Medical Director is consistent with the evidence of this case – Mr. Reed's conduct conformed to the applicable paramedic standard of care.

Additionally, as we have stated from outset of this case, Rural/Metro Fire and Mr. Reed are entitled to qualified immunity pursuant to § 9-500.02(A). The qualified immunity statute insulates emergency medical responders (and their employers) from liability absent gross negligence or intentional misconduct. At this point, in light of the evidence of this case and DHS's independent conclusion that Mr. Reed did nothing wrong, we view further pursuit of this claim as to Rural/Metro Fire and Mr. Reed as an unjustified action.

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Plaintiff pled this as a medical malpractice against Rural/Metro Fire and Mr. Reed. Accordingly, Plaintiff's had a responsibility to submit a preliminary expert opinion pursuant to A.R.S. § 12-2602. We have requested same on a multiple occasions and now demand Plaintiff immediately comply with their statutory obligations. The entire purpose of that statute is to preclude unjustified actions against licensed professionals and particularly those working in the healthcare industry.

Plaintiff's failure to provide a preliminary expert opinion coupled with DHS's independent determination the allegations against Mr. Reed lack merit warrant immediate dismissal of Rural/Metro Fire and Mr. Reed. If we do not receive a preliminary expert opinion on or before November 21, 2018, we will move forward with a Motion for Summary Judgment and seek recovery of our fees and costs in this matter.

If you have any questions, please don't hesitate to contact me.

Sincerely,

LOWIS & GELLEN LLP

A handwritten signature in blue ink, appearing to read "Scott Reynolds", with a stylized flourish at the end.

Scott Reynolds

Copy to: AMR (via email)